

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 34299 of 1998

DATE: 21-03-2007

Between :

Smt. Thimmakka and 3 others.

... Petitioners

And

The Commissioner of Land Revenue,
Government of Andhra Pradesh,
Hyderabad and 4 others.

... Respondents

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 34299 of 1998

ORDER:

By order dated 11-05-1998, the second respondent herein had cancelled the assignment made in favour of the respondents 4 and 5 herein in respect of the land situated in Sy.Nos.803-2 and 803-3 of Tamarla village. There was also a direction to assign the said land to the petitioners herein who claim to be in occupation. Against the said order, the respondents 4 and 5 herein preferred a revision petition before the first respondent on 13-10-1998. The said revision petition was disposed of by the first respondent by order dated 03-11-1998 thereby setting aside the order of the second respondent dated 11-05-1998 and upholding the assignment made in favour of the respondents 4 and 5. The order of the first respondent dated 03-11-1998 is under challenge in this writ petition primarily on the ground that the said order which was passed without notice to the petitioners herein is arbitrary, illegal and violative of principles of natural justice.

Though Rule Nisi was ordered on 09-12-1998, none of the respondents filed any counter affidavit. The interim order granted by this Court on 09-12-1998 suspending the impugned order dated 03-11-1998 continued to be in operation through out.

In the absence of any counter affidavit and since the material available on record shows that the impugned order was passed without notice to the petitioners herein, the writ petition is hereby allowed and the impugned order is set aside. The first respondent is

directed to consider the revision petition afresh after due notice to the parties concerned and pass appropriate orders in accordance with law. No costs.

G. ROHINI, J.

Date:21-03-2007
KLP

